THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.1413 of 2007

Dated:06.02.2007

Between:

S.Venkateswara Reddy.

...Petitioner

and

The Mandal Revenue Officer, Atmakur Mandal, Ananthapur District.

...Respondent

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.1413 of 2007

ORDER:

The petitioner is a resident of Atmakur Village and Mandal in Ananthapur District. He is the owner of agricultural land admeasuring Acs.5.57 cents in Survey No.374-2 situated in the said Village. He allegedly dug a bore well several years back for irrigating his lands. After receiving a complaint from third parties, the respondent allegedly came to the petitioner's land on 22.01.2007 and directed the petitioner not to draw water from the bore well. Aggrieved by the same, the present Writ Petition is filed.

After getting instructions, the learned Assistant Government Pleader for Revenue (General-A) submits that on a complaint given by M.Thimma Reddy an enquiry was conducted, and as the bore well was dug in Thimma Reddy's land, the petitioner was called for enquiry. The petitioner voluntarily agreed to stop using the water from the bore well subject to result of this Writ Petition. Learned Assistant Government Pleader also placed before this Court a copy of the statement allegedly given by the petitioner on 24.01.2007 before the respondent.

There is no denial that the petitioner was not given any notice before prohibiting from using the bore well even if the same is allegedly dug without any authorization. Therefore, the complaint given by the owner of the neighbouring land, Sri Thimma Reddy, may be treated as the basis for enquiry. The

Mandal Revenue Officer shall conduct enquiry after giving notice to the petitioner and the said Thimma Reddy. If it is proved that there is a dispute regarding the land, the Mandal Revenue Officer has to necessarily relegate the parties to the civil Court. Now that the petitioner has already stopped using the bore well, the same situation may continue till the Mandal Revenue Officer completes enquiry, which shall be completed within a period of four weeks from the date of receipt of a copy of this order.

The Writ Petition is accordingly disposed of. No costs.

(V.V.S.RAO, J)

06.02.2007
Note: Issue C.C in one week.
B/o.
vs